

FEB 07 2012

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

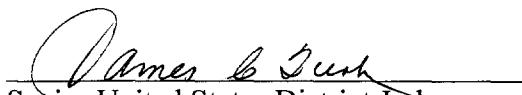
UNITED STATES OF AMERICA,) CASE NO. 7:00CR00022
) CASE NO. 7:99CR00048
)
vs.) FINAL ORDER
)
)
REGINAL MIMMS,) By: James C. Turk
) Senior United States District Judge
Defendant.)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that this action, filed as a petition for a writ of *audita querela*, pursuant to 28 U.S.C. § 1651(a), is **CONSTRUED AND DISMISSED** without prejudice as a successive motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 7th day of February, 2012.



Senior United States District Judge